

1. Here follows a list of questions or hypothetical situations based on FOIA and a suggested course of action to obtain guidance. The possession of such guidance will do much to expedite the processing of FOIA cases and will considerably reduce the necessity for individual consultation on a great number of requests. It is further understood that some requests, while appearing to fall within the matters enumerated below, may have a certain uniqueness that will call for individual consultation. This, however, should be a judgmental decision by the FOI administrative officer.

2. The questions and situations are as follows:

a. Need to develop a system to verify that an individual requesting his file is, in fact, that individual.

Recommended Action: OGC should present problem and seek advice from the Department of Justice.

b. Should correspondence from lawyers asking for files or information on individuals identified as clients be so handled that we demand client's authorization before processing?

Recommended Action: OGC should present problem and seek advice from Department of Justice.

c. In handling requests from individuals for files, can we appeal to our exemptions under the Privacy Act which does not take effect until October?

Recommended Action: OGC, DDA and DCI to discuss.

d. Can we utilize a rationale to deny file requests on the basis that over a period of time that being responsive to a significant number of such requests will divulge a pattern of individuals on whom we have files and this could impinge on a "sources and methods" exemption?

Recommended Action: OGC, DDA and DCI to discuss.

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e. If we have a file consisting of 20 newspaper clippings and 10 other Agency reports -- such material being excluded under our definition of CIA records -- do we or don't we have a file on the individual?

Recommended Action: OGC and DDA to discuss first.

f. As it pertains to reports from other Government agencies, what now do we do? Do we remain silent, do we inform the requester, and/or do we transfer action to the other agency?

Recommended Action: OGC and DPA to discuss.

g. If we have a file containing index cards only that lead to other documents, which are scattered, contain the name of the requester, do we then have a file?

Recommended Action: OGC and DDA to discuss first.

h. We do not have a file on an individual but find a travel document provided by a foreign liaison service where the individual's name, along with others, is acknowledged. Do we admit its existence?

Recommended Action: OGC and DDA to discuss.

3. We then have left, and the Director of Security's memorandum is appended, the basic questions raised by Mr. Kane. I believe the questions must be approached differently as the problem pertains to an applicant, and as the problem pertains to an employee. Mr. Kane will develop in greater detail.

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for
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Attachment: a/s (DD/A 75-0653) -related

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